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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,181	05/23/2001	William A. Cox	CWL-101-A	9646

7590 02/12/2007
Andrew R. Baslie
Young & Baslie, P.C.
Suite 624
3001 West Big Beaver Road
Troy, MI 48084

EXAMINER

PETERSON, KENNETH E

ART UNIT	PAPER NUMBER
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3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/863,181	Applicant(s) COX, WILLIAM A.	
	Examiner Kenneth E. Peterson	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,12,13,15,16,37,39,40,46,47,49,50,52 and 58 is/are pending in the application.
- 4a) Of the above claim(s) 3-9,12,37,39,40 and 46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,13,15,16,47,49,50,52 and 58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,47 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Gautier '078, who shows a rotary die apparatus having all of the recited limitations including 4 columns (31), a base (12), a cap, a cross member (15), a first die support module having spaced bearings (13) fixed directly to the base (12A), a second die support module having spaced bearings (16), and a pressure device (21,22).

Just like Applicant's device, the bearings (13) provide all of the support in the vertical direction and provide at least some stability in both horizontal directions.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,13,15,16,47,49,50,52 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gautier '078 in view of Keston '116.

In regards to at least claims 13,15,16,50,52 and 58, Gautier shows a die cutting apparatus with all of the recited limitations except for a set of radial flanges that engage the bearings (13) and the other die. However, it is old and well known for the bearing-

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die relationship to employ annular flanges to enhance longitudinal stability. An example of this is the patent to Keston, who shows radially extending annular flanges (88) on the bearing to prevent longitudinal motion of the rotary die. Additional examples can be provided.

Keston's motivations for employing this configuration are manifold. One reason is that with the annular flanges, it is no longer necessary to have a standard bearing block, thus reducing the lubrication requirements (lines 66-68, column 1). Another reason is to facilitate installation (lines 5 and 6, column 2) which had previously been arduous (lines 38,39, column 1). This simple teaching is applicable to any parts of the rotating dies, including the lower bearings and rotating anvil. Of course, it is a simple and obvious reversal of parts to have the radial flange on the die instead of the bearing or to have the flange on one die overlap another die. It would have been obvious to one of ordinary skill in the art to have modified Gautier by adding a radial flange to the dies that could laterally engage the bearings (13,16) and the opposing die, as is generically known and made obvious by Keston, in order to be able to eliminate the bearing blocks, thus easing installation and reducing lubrication requirements.

5. Applicant's arguments have been fully considered but they are not persuasive.

Applicant has overcome the rejections under 35 USC 112, 2nd paragraph.

Applicant argues the rejection of claims 1,47,49 under 35 USC 102, noting that Gautier employs bearing blocks (3,4) to help maintain stability. However, there is nothing in the claims that precludes a reference from having additional bearings. For

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example, in claim 1 is a recitation about the rollers "*maintaining the first rotary die....longitudinally*". The rollers 13 do play a part in maintaining the first rotary die longitudinally via simple longitudinal friction, even though the bearing block 4 does a majority of the maintaining. If Applicant would like to overcome this 102b rejection, perhaps he should consider some negative language, such as "said rotary die having no bearing block between said columns".

In regards to the portion of the affidavit that discusses Gautier alone, Examiner notes that affidavits cannot overcome 102b rejections where the prior art shows all of the recited elements.

Both the Applicant and the affidavit argue against the rejection of all the claims under 35 USC 103 by Gautier in view of Keston, by stating that the "*addition of the Keston circumferential flange 88 to the Gautier rolls would provide little or no benefit*". On the contrary, the benefits of longitudinally locking the bearings and dies, via annular flanges as shown by Keston, are clearly set forth in Keston's patent, and Examiner will repeat them here for sake of completeness; One reason is that with the annular flanges it is no longer necessary to have a standard bearing block, thus reducing the lubrication requirements (lines 66-68, column 1). Another reason is to facilitate installation (lines 5 and 6, column 2) which had previously been arduous (lines 38,39, column 1).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth E. Peterson whose telephone number is 571-272-4512. The examiner can normally be reached on Mon-Thur, 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kp



KENNETH E. PETERSON
PRIMARY EXAMINER